

MORRIS, JAMES, HITCHENS & WILLIAMS LLP

222 Delaware Avenue, 10th Floor
Wilmington, Delaware 19801-1621
(302) 888-6800
Facsimile (302) 571-1751
www.morrisjames.com

Mary B. Matterer
(302) 888-6960
mmatterer@morrisjames.com

Mailing Address
P.O. Box 2306
Wilmington, DE 19899-2306

November 10, 2005

VIA EFILING

The Hon. Kent A. Jordan
USDC for the District of Delaware
844 King Street
Wilmington, DE 19801

**RE: *Janssen Pharmaceutica N.V. et al. v. Teva Pharmaceuticals USA, Inc. et al.*
D.Del., C.A. No. 05-356 KAJ (consolidated)**

Your Honor:

My firm, along with Rakoczy Molino Mazzochi Siwik LLP, represents Defendants Mylan Pharmaceuticals Inc. and Mylan Laboratories Inc. in the captioned consolidated litigation. On behalf of all Defendants, we wish to advise the Court of the following developments.

As Your Honor will recall, this Hatch-Waxman patent case involves one method-of-use patent, which expires on December 14, 2008. During the October 12, 2005 status conference in this consolidated litigation, the Court provided the parties with a discovery schedule under which trial now is set for October 2007. But at the hearing, the Court suggested that a shorter discovery schedule would be appropriate if the Defendants: (1) did not contest infringement; and (2) agreed to use common experts. (10/12/05 Hrg. Trans. at 28-29). The Court, in fact, indicated that the case could be ready for trial in a year if Defendants made these concessions and the case proceeded on invalidity only. (*Id.* at 29). Since the status conference, Defendants have conferred and can now advise the Court that they are, in fact, willing to make these significant concessions to expedite resolution of this Hatch-Waxman case.

We have notified Plaintiffs that Defendants will use common experts in this litigation. Defendants also provided Plaintiffs with a signed Stipulation Not To Contest Infringement. In that Stipulation, Defendants agree not to contest infringement of claims 1 and 4 of the patent-in-suit. Claims 1 and 4 are the only patent claims that Plaintiffs identified in response to numerous discovery requests (both interrogatories and requests to admit) requiring Plaintiffs to identify those patent claims that they intend to assert against Defendants. A copy of Defendants' Stipulation is attached hereto for the Court's information.

MORRIS, JAMES, HITCHENS & WILLIAMS LLP

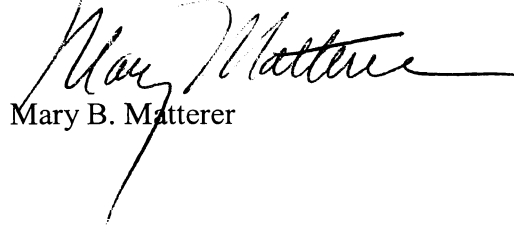
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Defendants have asked Plaintiffs to sign the stipulation by November 15, 2005. At that point, we will submit the Stipulation to the Court, along with Defendants' proposed revisions to the Scheduling Order. If Plaintiffs refuse, for whatever reason, to sign the Stipulation, Defendants nevertheless will submit the Stipulation to the Court as part of their request for a shortened discovery schedule. Defendants' submission also will include a representation regarding their use of common experts. Thus, in the end, regardless of whether Plaintiffs cooperate with this effort, Defendants will seek a modification to the discovery schedule now that they have taken the steps that the Court indicated would allow this case to proceed on an expedited basis.

We look forward to submitting these materials to Your Honor soon. Should you have any questions in the meantime, please do not hesitate to contact me or counsel for any of the other Defendants.

Respectfully,

A handwritten signature in black ink, appearing to read "Mary B. Matterer", with a long, sweeping horizontal stroke at the end.

Mary B. Matterer

Enclosure

cc: Attached Service List (via email)

SERVICE LIST

George F. Pappas (*gpappas@cov.com*)
Roderick R. McKelvie (*mckelvie@cov.com*)
Christopher N. Sipes (*csipes@cov.com*)
Jeffrey B. Elikan (*jelikan@cov.com*)
Laura H. McNeill (*lmcneill@cov.com*)

COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401
Telephone: (202) 662-6000
Facsimile: (202) 662-6291

***Counsel for Plaintiffs Janssen Pharmaceutica N.V.,
Janssen, L.P. and Synaptech, Inc.***

Alan Bernstein (*abernstein@crbcp.com*) (x124)
Mona Gupta (*mgupta@crbcp.com*) (x160)
CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD.
1635 Market Street, 11th Floor
Philadelphia, PA 19103-2212
Telephone: (215) 567-2010
Facsimile: (215) 751-1142

Counsel for Defendant Alphapharm Pty Ltd.

Daniel F. Attridge, P.C. (*dattridge@kirkland.com*)
Edward C. Donovan (*edonovan@kirkland.com*)
Karen M. Robinson (*krobinson@kirkland.com*)
Corey J. Manley (*cmanley@kirkland.com*)
KIRKLAND & ELLIS LLP
655 Fifteenth Street, N.W., Suite 1200
Washington, D.C. 20005-5793
Telephone: (202) 879-5000
Facsimile: (202) 879-5200

***Counsel for Defendants Teva Pharmaceuticals USA
and Teva Pharmaceuticals Industries Ltd.***

George C. Lombardi (*glombardi@winston.com*)
Taras A. Gracey (*tgracey@winston.com*)
Lynn M. Ulrich (*lulrich@winston.com*)
Brian L. Franklin (*bfranklin@winston.com*)

WINSTON & STRAWN LLP
35 West Wacker Dr.
Chicago, IL 60601
Telephone: (312) 558-5000
Facsimile: (312) 558-5700

***Counsel for Defendants Barr Laboratories, Inc.
and Barr Pharmaceuticals, Inc.***

Robert J. Gunther, Jr. (robert.gunther@lw.com)

James P. Barabas (james.barabas@lw.com)

LATHAM & WATKINS LLP

885 Third Ave., Suite 1000

New York, NY 10022-4802

Telephone: (212) 906-1200

Facsimile: (212) 751-4864

***Counsel for Defendants Purepac Pharmaceutical Co.
and Alpha Inc.***

Barbara S. Wahl (wahl.barbara@arentfox.com)

Richard J. Berman (berman.richard@arentfox.com)

D. Jacques Smith (smith.jacques@arentfox.com)

Janine A. Carlan (carlanjanine@arentfox.com)

John K. Hsu (hsu.john@arentfox.com)

ARENT FOX PLLC

1050 Connecticut Ave., N.W.

Washington, D.C. 20036-5339

Telephone: (202) 857-6000

Facsimile: (202) 857-6395

***Counsel for Defendants Par Pharmaceutical, Inc.
and Par Pharmaceutical Companies, Inc.***

Stuart Sender (ssender@budd-larner.com)

BUDD LARNER

150 John F. Kennedy Parkway

Short Hills, NY 07078-0999

Telephone: (973) 315-4462

Facsimile: (973) 379-7734

***Counsel for Defendants Dr. Reddy's Laboratories, Inc.
and Dr. Reddy's Laboratories, Ltd.***

Steven J. Balick (sbalick@ashby-geddes.com)

John G. Day (jday@ashby-geddes.com)

ASHBY & GEDDES

222 Delaware Avenue, 17th Floor

Wilmington, DE 19801

Telephone: (302) 654-1888

Facsimile: (302) 654-2067

***Counsel for Plaintiffs Janssen Pharmaceutica N.V.,
Janssen, L.P. and Synaptech, Inc.***

Anne Shea Gaza (gaza@rlf.com)
RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square
Wilmington, DE 19801
Telephone: (302) 651-7700
Facsimile: (302) 784-7141

Counsel for Defendant Alphapharm Pty Ltd.

Josy W. Ingersoll (jingersoll@ycst.com)
YOUNG CONAWAY STARGATT & TAYLOR LLP
1000 West Street, 17th Floor
Wilmington, DE 19801
Telephone: (302) 571-6672
Facsimile: (302) 576-3301

*Counsel for Defendants Teva Pharmaceuticals USA
and Teva Pharmaceuticals Industries Ltd.*

John C. Phillips, Jr. (jcp@pgslaw.com)
PHILLIPS GOLDMAN & SPENCE, P.A.
1200 North Broom Street
Wilmington, DE 19806
Telephone: (302) 655-4200
Facsimile: (302) 655-4210

*Counsel for Defendants Barr Laboratories, Inc.
and Barr Pharmaceuticals, Inc.*

Richard D. Kirk (rkirk@bayardfirm.com)
THE BAYARD FIRM
222 Delaware Avenue, 9th Floor
Wilmington, DE 19801
Telephone: (302) 655-5000
Facsimile: (302) 658-6395

*Counsel for Defendants Purepac Pharmaceutical Co.
and Alpharma Inc.*

Philip A. Rovner (provner@potteranderson.com)
POTTER ANDERSON & CORROON LLP
1313 North Market Street
Wilmington, DE 19801
Telephone: (302) 984-6140
Facsimile: (302) 658-1192

*Counsel for Defendants Par Pharmaceutical, Inc.
and Par Pharmaceutical Companies, Inc.*

Richard L. Horwitz (*rhorwitz@potteranderson.com*)

POTTER ANDERSON & CORROON LLP

1313 North Market Street

Wilmington, DE 19801

Telephone: (302) 984-6027

Facsimile: (302) 658-1192

***Counsel for Defendants Dr. Reddy's Laboratories, Inc.
and Dr. Reddy's Laboratories, Ltd.***